

REMARKS

Claims 1-27 are pending in the application. With this amendment, claims 12-27 are cancelled as drawn to a non-elected invention and claims 1, 5, 6, and 10 are amended. Inventorship does not have to be amended by the cancellation of claims 12-27. Upon entry of the amendments, claims 1-11 remain pending.

The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

AMENDMENTS TO THE SPECIFICATION

The specification is amended at page 21 to correct an obvious typo. As shown in the title of the compound, Formula 6 is 2,4-dihydroxy substituted. In agreement with the name, the NMR data show a singlet at 9.57 for the OH of C(4) and a singlet at 12.75 for the OH of C(2). Applicants have amended the drawing of Formula 6 to add the –OH at position 2 to correct an obvious error. No new matter is added. Applicants respectfully request entry of the amendment.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 5-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Minagawa et al (JP 09165332). Applicants respectfully traverse the rejection as applied to the amended claims and request reconsideration.

The claims have been amended to delete recitation of furanones. The compounds remaining in the amended claims are not found in Minagawa. Accordingly, Applicants respectfully request the rejection, as applied to the amended claims, be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosokawa et al. (WO9404520). Applicant's respectfully traverse this rejection as applied to the amended claims and request reconsideration.

The compounds of the amended claims differ greatly from the furanone compounds disclosed in the Hosokawa reference and would not have been obvious to a person of skill in the art on the basis of the Hosokawa teachings. For example, all the derivatives of Hosokawa et al. have a furanone-substituted alkyl chain in the 3-position (see Title and Abstract). In contrast, none of the compounds of the amended claims has a furanone ring. Thus, the claimed compounds lacking a furanone ring are no longer an ascofuranone-like compound but should be termed a phenol derivative.

A person skilled in the art would not consider that the claimed compounds could be derived from the Hosokawa ascofuranone derivatives, at least for the reason that the claimed compounds lack the very feature (the furanone ring) taught as critical in the reference. Hosokawa et al. neither teach nor suggest that the differences in the side chain between the claimed compounds and those of Hosokawa et al. having a furanone-substituted alkyl chain in the same position, would or would not affect the activity of the compounds.

Compounds lacking a furanone ring in the 3-position (such as those of the amended claims) cannot be analogs of ascofuranone compounds. Therefore, it would not have been obvious to one skilled in the art to conceive of the compounds of the current claims from the disclosure of Hosokawa et al.


For these reasons, Applicants respectfully request the rejection, as applied to the amended claims be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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